

Senate File 295 - Introduced

SENATE FILE 295

BY BEHN

A BILL FOR

1 An Act relating to motor vehicles that traverse certain
2 railroad grade crossings against a gate or signal, and
3 providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.341, Code 2019, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. For violations of this section that
4 occur at a railroad grade crossing that has a median barrier
5 and that is established as a quiet zone in accordance with
6 49 C.F.R. pt. 222, subpt. C, the person may attend and
7 successfully complete, at the person's own expense, a driver
8 improvement program approved by the department in lieu of the
9 fine imposed under section 805.8A, subsection 14, paragraph
10 "h". To be eligible, the person shall notify the clerk of
11 court prior to the date of the person's court appearance as
12 indicated on the citation that the person intends to attend and
13 successfully complete a driver improvement program, and shall
14 submit to the clerk of court written verification that the
15 person completed the driver improvement program, signed by the
16 instructor of the program, within ninety days of the violation.

17 Sec. 2. Section 805.8A, subsection 14, paragraph h, Code
18 2019, is amended to read as follows:

19 *h. Railroad crossing violations.* For violations under
20 sections 321.341, 321.342, 321.343, and 321.344, and 321.344B,
21 the scheduled fine is two hundred dollars. However, for
22 violations of section 321.341 that occur at a railroad grade
23 crossing that has a median barrier and that is established as a
24 quiet zone in accordance with 49 C.F.R. pt. 222, subpt. C, the
25 scheduled fine is four hundred dollars.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 Currently, Code section 321.341 provides that when a person
30 driving a vehicle approaches a railroad grade crossing and
31 a warning is given by automatic signal, crossing gate, or
32 flag person of the immediate approach of a railroad train or
33 railroad track equipment, the driver of the vehicle is required
34 to stop the vehicle within 50 feet but not less than 15 feet
35 from the nearest rail and is prohibited from proceeding until

1 the driver can do so safely. In addition, the driver of a
2 vehicle is required to stop the vehicle and not traverse the
3 railroad grade crossing when the crossing gate is lowered or
4 when a human flagman gives or continues to give a signal of
5 the approach or passage of a railroad train or railroad track
6 equipment. A violation of this provision is punishable by a
7 scheduled fine of \$200.

8 This bill provides that when a violation of Code section
9 321.341 occurs at a railroad grade crossing that has a median
10 barrier and that is established as a quiet zone in accordance
11 with federal regulations, the violation is punishable by a
12 scheduled fine of \$400. However, the bill allows the person to
13 attend and successfully complete, at the person's own expense,
14 a driver improvement program approved by the department of
15 transportation in lieu of the fine. To be eligible, the
16 person must notify the clerk of court prior to the date of
17 the person's court appearance as indicated on the citation
18 that the person intends to attend and successfully complete a
19 driver improvement program, and must submit to the clerk of
20 court written verification that the person completed the driver
21 improvement program, signed by the instructor of the program,
22 within 90 days of the violation.